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# PRELIMINARY DRAFT

## No. 3188

PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2013 GENERAL ASSEMBLY

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### DIGEST

**Citations Affected:** IC 29-1-10-20.

**Synopsis:** Estate lawyers. Defines a lawyer performing services for an estate at the request of the estate's personal representative as an "estate lawyer". Specifies that an estate lawyer represents only the personal representative. Specifies that an estate lawyer does not have a duty to anyone other than the personal representative or a duty to collect, possess, manage, maintain, monitor, or account for estate assets. Specifies that an estate lawyer is not liable for any loss suffered by the estate, except to the extent that the loss was caused by the lawyer's breach of a duty owed to the personal representative. Provides that an estate lawyer may expand the scope of the estate lawyer's representation, duties, and potential liability through a written agreement with an interested person.

**Effective:** July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 29-1-10-20 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 20. (a) As used in this section, "estate lawyer" refers**  
4 **to a lawyer performing services for an estate at the request of the**  
5 **estate's personal representative.**

6       **(b) Except as otherwise provided in a written agreement**  
7 **between the estate lawyer and an interested person, an estate**  
8 **lawyer:**

9       **(1) represents and owes a duty only to the personal**  
10 **representative;**

11       **(2) does not have a duty to collect, possess, manage, maintain,**  
12 **monitor, or account for estate assets, unless otherwise**  
13 **required by a specific order of the court; and**

14       **(3) is not liable for any loss suffered by the estate, except to**  
15 **the extent the loss was caused by the estate lawyer's breach of**  
16 **a duty owed to the personal representative.**

17       **(c) If a provision of a court's local probate rule conflicts with**  
18 **this section, this section controls.**

